

ESTTA Tracking number: **ESTTA516603**

Filing date: **01/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	YBUY Holdings, LLC		
Entity	limited liability company	Citizenship	Georgia
Address	Five Concourse Parkway Suite 400 Atlanta, GA 30328 UNITED STATES		
Correspondence information	F. Richard Rimer, Jr. Troutman Sanders LLP 600 Peachtree Street NE Suite 5200 Atlanta, GA 30308 UNITED STATES trademarks@troutmansanders.com Phone:404-885-3380		

Registration Subject to Cancellation

Registration No	4071043	Registration date	12/13/2011
Registrant	InVue Security Products Inc. 15015 Lancaster Highway Charlotte, NC 28277 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2009/07/31 First Use In Commerce: 2009/07/31 All goods and services in the class are cancelled, namely: Electronic merchandise display systems being electronic advertising displays including an interactive display device for activating an audio and/or video media presentation

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2691838	Application Date	10/01/1999
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	YBUY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 039. First use: First Use: 1993/00/00 First Use In Commerce: 1996/00/00 LEASING OF VEHICLES
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Attachments	YBUY Petition for Cancellation ('043).pdf (9 pages)(158241 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/frr/
Name	F. Richard Rimer, Jr.
Date	01/17/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

YBUY HOLDINGS, LLC)	
)	
Petitioner,)	Registration No. 4,071,043
)	
v.)	Mark: YBUY
)	
INVUE SECURITY PRODUCTS, INC.)	Cancellation No. _____
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Petitioner, YBUY HOLDINGS, LLC (“Petitioner”), for its Petition for Cancellation against Registration No. 4,071,043, for the Mark YBUY, filed by INVUE SECURITY PRODUCTS, INC. (“Registrant”) believes that it will be damaged by and thus seeks cancellation of the subject registration. As provided by 15 U.S.C. § § 1052(d) and 1064, Petitioner shows the Board as follows:

1. Petitioner is a Georgia limited liability company with a principal place of business located at Five Concourse Parkway, Suite 400, Atlanta, Georgia 30328.
2. Upon information and belief, Registrant is an Ohio corporation with a correspondence address of 15015 Lancaster Highway, Charlotte, North Carolina 28277.
3. Petitioner is the owner of U.S. Registration No. 2,691,838 for the mark YBUY for the “leasing of vehicles” (the “YH Registration”). Petitioner first used the mark YBUY for its leasing services since at least as early as 1993, and in interstate

commerce also since at least as early as 1993. The Opposer's predecessor in interest filed its application to register the mark YBUY on October 1, 1999. A true and correct copy of a printout from the U.S. Patent and Trademark Office TSDR database for Registration No. 2,691,838 is attached to the Notice of Opposition as **Exhibit A**.

4. Registrant filed the instant application on an intent-to-use basis on July 29, 2009 for "electronic merchandise display systems being electronic advertising displays including an interactive display device for activating an audio and/or video media presentation." The subject registration issued on December 13, 2011.

5. Petitioner is the owner and the first and senior user of the mark "YBUY" from on or about 1993 in connection with leasing services.

6. Petitioner currently has pending applications for the mark YBUY, Serial Number 85/808599 for "providing financing in the nature of installment and rental purchase agreements in connection with consumer goods; providing financing in the nature of a revolving account; leasing of consumer goods; online retail store services featuring consumer goods for purchase."

7. Petitioner's application for the YBUY mark has been denied registration based in part on the United States Patent and Trademark Office's finding that there is a likelihood of confusion between the Petitioner's YBUY mark and Registration No. 4,071,043 for the Mark YBUY.

8. The subject registration is not incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. §1065.

9. Petitioner's priority rights in the YBUY mark are superior to Registrant's rights in the YBUY mark.

10. The use and continued registration of the Registrant's YBUY mark is likely to cause confusion in the minds of the purchasing public and to cause the purchasing public to assume the goods services offered under such marks are offered by Petitioner or that such services originate with or are in some way connected to the Petitioner, which they are not.

11. Therefore use and registration of the Registrant's YBUY mark will be injurious to the Petitioner.

12. Petitioner has paid the fee for the petition cancellation. If any additional fees are deemed to be payable, please charge our Deposit Account No. 20-1507.

WHEREFORE, Petitioner prays that said Registration No. 4,071,043 be canceled and that this Cancellation action be sustained in favor of Petitioner.

Respectfully submitted,

TROUTMAN SANDERS LLP



F. Richard Rimer
Georgia Bar No. 140819
Michael D. Hobbs, Jr.
Georgia Bar No. 358160
Attorneys for Opposer
600 Peachtree Street, NE, Suite 5200
Georgia USA 30308-2216
(404) 885-3000
trademarks@troutmansanders.com

EXHIBIT A

STATUS DOCUMENTS

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Mark: YBUY

US Serial Number: 75813338

Application Filing Date: Oct. 01, 1999

US Registration Number: 2691838

Registration Date: Mar. 04, 2003

Register: Principal

Mark Type: Service Mark

Status: A Section 8 declaration has been accepted.

Status Date: Feb. 18, 2009

Publication Date: Dec. 10, 2002

Mark Information

Mark Literal Elements: YBUY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: LEASING OF VEHICLES

International Class: 039 - Primary Class

U.S Class: 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: 1993

Use in Commerce: 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use:

Filed ITU: No

Currently ITU: No

Amended ITU:

Filed 44D: No

Currently 44D: No

Amended 44D:

Filed 44E: No

Currently 44E: No

Amended 44E:

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information**Owner Name:** YBUY HOLDINGS**Owner Address:** FIVE CONCOURSE PARKWAY
ATLANTA, GEORGIA 30328
UNITED STATES**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where** GEORGIA
Organized:**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Edwin J. Hulf, III**Correspondent****Correspondent** EDWIN J HUIF III
Name/Address: CUTLER & HULL
70 W MADISON ST STE 3750
CHICAGO, ILLINOIS 60602
UNITED STATES**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding
Jan. 02, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 10, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 18, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED	67603
Feb. 06, 2009	ASSIGNED TO PARALEGAL	67603
Feb. 04, 2009	TEAS SECTION 8 RECEIVED	
Apr. 10, 2008	CASE FILE IN TIGRS	
Mar. 04, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 10, 2002	PUBLISHED FOR OPPOSITION	
Nov. 20, 2002	NOTICE OF PUBLICATION	
Sep. 25, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 20, 2002	PETITION TO REVIVE-GRANTED	
Apr. 22, 2002	PETITION TO REVIVE-RECEIVED	
Apr. 22, 2002	PAPER RECEIVED	
Apr. 18, 2002	PAPER RECEIVED	
Feb. 28, 2002	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jul. 05, 2001	NON-FINAL ACTION MAILED	
Jun. 22, 2001	PETITION TO REVIVE-GRANTED	
Oct. 30, 2000	PETITION TO REVIVE-RECEIVED	

Oct. 06, 2000 ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE
Feb. 28, 2000 NON-FINAL ACTION MAILED
Feb. 24, 2000 ASSIGNED TO EXAMINER

74671

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Feb. 18, 2009

Assignment Abstract of Title Information

Summary

Conveyance:

Total Assignments: 3

Registrant: Maverick Group, Inc.

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4600/0138

Pages: 3

Date Recorded: Aug. 08, 2011

Supporting Documents: assignment-tm-4600-0138.pdf

Assignor

Name: MAVERICK GROUP, INC.

Execution Date: Aug. 04, 2011

Legal Entity Type: CORPORATION

State or Country Where OHIO

Organized:

Assignee

Name: YBUY, INC.

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 8750 WILSHIRE BLVD. #250
BEVERLY HILLS, CALIFORNIA 90211

Correspondent

Correspondent Name: PAUL A. MCLEAN, ESQ., DLA PIPER LLP (US

Correspondent Address: 2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2215

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4926/0733

Pages: 6

Date Recorded: Dec. 21, 2012

Supporting Documents: assignment-tm-4926-0733.pdf

Assignor

Name: YBUY, INC.

Legal Entity Type: CORPORATION

Execution Date: Nov. 25, 2012

State or Country Where Organized: DELAWARE

Assignee

Name: COMPUCREDIT HOLDINGS CORPORATION

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: FIVE CONCOURSE PARKWAY
SUITE 400
ATLANTA, GEORGIA 30328

Correspondent

Correspondent Name: F. RICHARD RIMER, JR.

Correspondent Address: 600 PEACHTREE STREET NE
SUITE 5200
ATLANTA, GA 30308-2216

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4926/0767

Pages: 6

Date Recorded: Dec. 21, 2012

Supporting Documents: assignment-tm-4926-0767.pdf

Assignor

Name: COMPUCREDIT HOLDINGS CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Nov. 26, 2012

State or Country Where Organized: GEORGIA

Assignee

Name: YBUY HOLDINGS

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GEORGIA

Address: FIVE CONCOURSE PARKWAY
ATLANTA, GEORGIA 30328

Correspondent

Correspondent Name: F. RICHARD RIMER, JR.

Correspondent Address: 600 PEACHTREE STREET NE
SUITE 5200
ATLANTA, GA 30308-2216

Domestic Representative - Not Found

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

YBUY HOLDINGS, LLC

Petitioner,

v.

INVUE SECURITY PRODUCTS, INC.

Registrant.

Registration No. 4,071,043

Mark: YBUY

Cancellation No. _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition
was sent by first-class mail, postage prepaid to the Applicant, as follows:

Christopher C. Dremann
c/o Christopher C. Dremann, P.C.
15015 Lancaster Hwy
Charlotte, North Carolina 28277-2010

This 17th day of January, 2013.



F. Richard Rimer